

AMENDED

Proposed

complaint

ORIGINAL

Please Note

Writing To SDNY
to beg to pick
up jurisdiction

EDNY is NOT TO
USER FRIENDLY

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ NOV 05 2018 ★

BROOKLYN OFFICE

MISC 18-3037

MATSUMOTO, J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BENNIE GIBSON

plaintiff

Write the full name of each plaintiff.

No.

(To be filled out by Clerk's Office)

-against-

COMPLAINT

(Prisoner)

Amended complaint
#1

The City
Commissioner of New York City Police
~~Deputy Commissioner New York City Police~~
Supervisors Administrators Policy creators
~~Senior Investigators Trainers~~
Queens Auto Crime Units -NYPD Thomas Rice#2326
~~Hon Judges involved in prosecution O'Dwyer~~
Judge Goldsten -District Attorney Senior Adm.
~~Richard Brown esq Assistant District Attorneys~~

Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

Fed R Civ 38 jury trial
7th Amendment US Cons
injunctive & declaratory
relief sought
conspiracy, false arrest,
false arrest malicious pro
-secution abuse of
process R.I.C.O

corruption forced retire (May 17th 2018)

PLEASE TAKE: Plaintiff is III
strikes 28USCA 1915 barred
Bases this complaint on
Rice and co-horts newly-new
evidence Rice retirement
May 17th 2018 corruption
SDNY 94 cv 6431 Gibson v Rice
EDNY 97 cv3561

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed individual & official capacity
with the court should therefore not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.
See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☒ Violation of my federal constitutional rights
- ☐ Other: Violation of State Constitutional Rights

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

Bennie Gibson

First Name Middle Initial Last Name

Bennie Gibson aka Gibson Charles Green

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.
presently at NIC Rikers Island 441-18-05840

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Current Place of Detention

NIC -1500 Hazen ST East Elmhurst NY 11370

Institutional Address

County, City

State

Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

- ☒ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☐ Convicted and sentenced prisoner
- ☐ Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1: Commissioner of NYC Police Dept Deputy Commissioner
First Name Last Name Shield # NYC Police
Chief Adm.

Current Job Title (or other identifying information)

Current Work Address

County, City State Zip Code

Defendant 2: Queens Auto Crime Units
Supervisors Adm., Policy creators, investigator Trainors
First Name Last Name Shield #

John Does # John Does # John Does # John Does

Current Job Title (or other identifying information)

1 Police Plaza NYN 10038

Current Work Address

County, City State Zip Code

Defendant 3: NYCP officer Thomas Rice # 2326
First Name Last Name Shield #

Address unknown

Current Job Title (or other identifying information)

resigned (forced)

Current Work Address

County, City State Zip Code

Defendant 4: Honorable Judge ODwyer Hon Judge Goldstein
First Name Last Name Shield #

125-01 Queens Blvd Kew Gardens NY 11415

Current Job Title (or other identifying information)

Supreme Court State of New York

Current Work Address

County, City State Zip Code
District Attorney Richard Brown esq & Assistants
DA 12-01 Queens Blvd Kew Garden NY 11415

V. STATEMENT OF CLAIM

Willets PT Area junkyards , Corona Queens

Place(s) of occurrence: 1993 Gibson was being followed around by a squad car at night while even in innocent areas such as Pathmark or simply walking around. eventually Rice approached Gibson stating he would give

Date(s) of occurrence: _____

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

(continued from above) permission to strip cars unlimited if plaintiff gave information. Plaintiff had seen pay offs in junkyard and massive PSA donations and witnesses PD Quinn walk around and tell junkyard owners he was going to blame it on ("these guys") = massive amount of stripped abandoned cars on guys who didnt steal them but guys who took parts from them .Gibson beleive dRice didnt want info but how much Gibson knew While Rice went thru this conversation his partner stood behind shaking his head like "do not agree to this !)" Gibson laughed to himself because Gibson felt Gibson must look like a "fu--idiot" to Rice because because Rice would never admit he told gibson such! Gibson backed off Suddenly Gibson met a group of people who stated they knew where abandoned cars & we could split money. Where ever they drove e Rice was following trailing with a tow company . I was insructed to remve certain parts to wit I did not because (it didnt feel right and the people were not worried Rice was following us . So i would get out of and stall. Rice would jump out of car take my tool bag dump on ground. and falsely write down Gibson removed doors motor transmission tires rear clip windsheilds Rice did this too me 3 or 4 times or gave arrests to o and or was present These complaints were lies based on informant ops . aninfo these parts were also on car at time of incident.(Which is why Gibson stalled because Gibson felt cars were not truly abandoned & kind or intact except for a radio missing or headlight Gibson was use to finding cars missing interior rims ,tires motor. but still having radiators door glass, mirrors front bumpers When Rice appeared Tow Company would pick up cars Rice was conducting insurance scams or getting arrests by towin cars in area Queens DA indicted showed no pictures and sent me to 43 days in a row to force a cop out ordered me a 730 when I said Rice lied showed no pictures of car at time of arrest no supporting depositions kept offering me state time (i didnt know if government sactuallly took parts off to make a case on me. These people will continiously just act like they have evidence or manufacture it Finally Judge Goldstein took me in co and forcibly sentenced me to burgars tool Since then it is my belief I have 1 been in front of a group of corrupt judges Icant get a case dismissed and correctionins has a group of people in jail harrassing me all the time whe Itry to do legal work

SDNY 94 cv 6431 Gibson v Rice & 97 cv 3561 EDNY Gibson v Queens Auto Crime

Rice has participated IN NUMEROUS FALSE ARRESTS and filing false affidavits

INJURIES:

If you were injured as a result of these actions; describe your injuries and what medical treatment, if any, you required and received.

intentional infliction emotional distress mental anguish
sleepless nights , fatigue I couldnt seek help for false arrest

I couldnt seek help Whenever I did all of sudden mental Health would come
I never called or asked to speak with them . CO Hart and Ms Mims did this
Gibson had no mental issue and was trying to show false arrests
and suddenly without reviewing lack of evidence in a non violent
case the pyschs are fuckin~~g~~ with me.

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

Institute civil litiagtion monetary amount ten millon for false
arrest ,conspiracy to violate due process, fraud , perjury, abuse of
process, filing of false affidavits , malicious prosecution , forced plea
administraion of justice, Brady violation failure to train , protect,
supervise , screen , remedy , beatings assault & batter ,coercion
Declare unconstitutional and bar DA from holding people on no evidence

ALL NYPS DETECTIVE who investigated one of the most prominent cases of police misconduct in recent years, a detective who was disciplined for a 20-month period, which is substantiated by police and other information, police said Wednesday.

A criminal investigation has also been launched against former Detective Thomas Rice.

The move, only the second against a problem in the police ranks of Daily News articles that detailed Rice's misconduct, police said Wednesday.

After further investigation by internal affairs, they determined Rice had not actually interviewed witnesses or convicted anyone, as he has documented in his police

After being served with disciplinary charges on Tuesday, Rice pleaded guilty and was immediately suspended for 30 days, Donald said. He was also told he had 60 vacation days that he devoted to police officers and their families.

"The case has been referred by internal affairs to the Queens district attorney's office for potential criminal charges," Donald said.

As a member of the 10th Precinct's detective squad in Ozone Park, Queens, Rice closed at least 22 grand larceny cases between 2011 and 2012 by entering more than 100 fake witness names and addresses in official documents.

After he was caught, the NYPD allowed him keep his job and rank, but docked him 20 vacation days and transferred him to Brooklyn's 67th Precinct. The NYPD never disclosed its full decision.

The department's handling of the case raised questions about whether the disciplinary system was free of influence.

Queens prosecutors also started a review following The News articles, which has now morphed into a criminal investigation that may be wrapped within two months, sources said.

whether he was paid by the city while working at his second job, Long Island power washing and cleaning firms.

Police Commissioner James O'Neill, who approved the disciplinary action, said he Rice on Tuesday said that he and the police

He said that he was not a member of the union, but that he was paid by the city while working at his second job, Long Island power washing and cleaning firms.

He said that he was not a member of the union, but that he was paid by the city while working at his second job, Long Island power washing and cleaning firms.



Right Law, which has the release of disciplinary findings against him, formed by the city.

"We want the NYPD to continue to not cut the bad apples and we commend Commissioner O'Neill for taking a thorough look at the actions of this detective," City Councilman Donovan Richards said Wednesday.

"We should never allow the actions of the few to taint the great work of the many."

Rice will be able to keep his pension, but without the annual \$12,500 variable supplement that cops are usually paid, sources said.

Detectives union head Michael Palladino, who had called The News coverage of Rice's misconduct "an assault on the work ethic and integrity of all detectives who risk their lives while serving the public," did not reply to e-mails seeking comment Wednesday.

The union also set up a bill board in the wake of The News Rice coverage depicting a puppy peeing on a copy of the newspaper.

Rice's lawyer James Moschella, who said The News was trying to "destroy" Rice's life, also did not respond to messages.

**Saying this is
of ugly work
We felt
humiliated
Att'y in racist resta
NYers recoil at video**

**BY LAURENCE DIMON
EDGAR SANDOVAL
AND LARRY WESCHANE
NEW YORK DAILY NEWS**

THE WORDS of Sam Shung, a 42-year-old Chinese immigrant, were a racist ranting in a Midtown Manhattan restaurant.

The Midtown Ave. man told us by attorney Aaron Schlosberg, included a threat to send federal immigration officials on workers at a Midtown restaurant because they failed to speak English in his presence.

"He heard us speak Spanish and started calling 'you mother f---ers'," recounted Oscar Villanueva, a Honduran immigrant and employee of the restaurant.

He said we have to speak English, continued Villanueva. "He started saying a lot of ugly words. We felt really humiliated."

A viral video of the Tuesday lunchtime explosion captured the xenophobic Schlosberg announcing the employees were in "my country" before invoking the threat of deportation.

"My guess is they're not documented," Schlosberg announced loudly to the staff. "So my next plan is to tell to have each one of them kicked out of my country. If they have the balls to come here and live off my money, I pay for their welfare. I pay for their ability to be here — the least they can do is speak English."

Schlosberg, 42, is a registered Republican and 2016 donor of \$500 to President Trump's campaign. His com-



VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

Oct 26/18
Dated
RENNIE GREEN
First Name Middle Initial Last Name
1700 HAZEN ST
Prison Address
EAST ELKHURST NY 11717
County, City State Zip Code

Date on which I am delivering this complaint to prison authorities for mailing:

Oct 26 18

ORIGINAL

BEENNIE GIBSON

FILED
IN CLERKS OFFICE
US DISTRICT COURT E.D.N.Y. Plaintiff.

★ NOV 10 2018 ★

MATSUMOTO, J.

v. BROOKLYN OFFICE

New York City Police officers
Thomas Rice # 2326 & others
operating trained by supervised
by Queens Auto Crime
The City

Commissioner of NYC Police
Deputy Commissioner
Queens District Attorneys Office Personnell
prosecutors, supervisors, policy

DEFENDANTS

NOTICE OF MOTION
FOR PERMISSION
TO FILE A CLAIM

in FORMA PAUPERIS
28 USCA 1915

MISC 18-3037

review of order requested based
on newly discovered and new
evidence of NYPD resignation

Officer Rice is the one of
many reasons Gibson became three
strikes

PLEASE TAKE NOTICE, that upon the annexed affidavit of
Gibson pro se Johnson v Avery 89 Sct 747, 39 US 483 Bellamy v. Bradley
the plaintiff based on newly discovered evidence will request a evidentiary
hearing, oral argument requested whether government unfairly arbitrarily
engaged in a cover-up for Queens District Attorney Office Queens Auto Crime
by allegedly plaintiffs complaints of Officers filing false complaints
of part removal from abandoned vehicles and utilizing informants to drive
centrally targeted perps to abandoned vehicles under entrapment ops
and pre-arranged arrests. by Ordering a Three Strikes memorandum & whether
recent amputations product of foul play.

Plaintiff seeks said hearing at United States District Courthouse
Eastern District located at 225 Cadman Plaza Brooklyn NY 11201
Plaintiff requests answer to said motion under applicable rules of
Federal Rules Civil Procedure West Miller Marcus Kane

Plaintiff asks for review of said Order under Polanco v Hopkins 510 F3d 152;

Chavis v Hopkins 510 F3d 152 Chavis v Chappius 618 f3d 162

BRONX County 10/12th /18

UNITED STATES DISTRICT COURTHOUSE
EASTERN DISTRICT/CIVIL TERM

BENNIE GIBSON

Plaintiff

v.

New York City Police officers
Thomas Rice #2326 & others
operating, trained by supervised
by Queens Auto Crime
The City
Commissioner of NYC Police
Deputy Commissioner
Queens District Attorneys Office Personnel
prosecutors, supervisors, policy

DEFENDANTS

AFFIDAVIT IN SUPPORT OF
MOTION FOR
PERMISSION TO
FILE A CLAIM in
FORMA PAUPERIS
28 USCA 1915

review of order requested based
on newly discovered evidence of
NYPD resignation

& imminent danger issue thru
amputations and whether it was
it was caused by mysterious cir-
cumstances to wit government
order has caused along with
intentional damage and mis constr-
uing or refusal to "benefit of
doubt" when litigant amends accep-
allegations, reconsideration, or
... by "barring order 28USC 1915

STATE OF NEW YORK)

COUNTY OF BRONX) ss.s

- 1) I _____ submit his motion in "good Faith" and not for the
and not for the purpose of delay fraud merittless pratice but because I
beleive I am entitled to said relief sought Velez v NY Presbterian
2014 NY Misc llexis 3474 Arizona v YougBlood 109 Sct _____
- 2) That I am a layman of the law asking this courts indulgence for errors
in form content spelling constitutional or rstautory interpetation
Johnson v Avery 89 Sct 747 393 US 483 Bellamy v Bradley 729 F2d _____
- 3) I ask the court to construe the allegations to the strongest issues
raised Cruz v Gomez 202 F3d _____

EVIDENTIARY ALLEGATIONS IN SUPPORTY OF REQUEST

- 4) On May 17th 2017 a full spread article, the third of the month
appeared in the Daily New It states NYPD officer Queens Auto Crime
officeer was forced to retire due to corruption
Plaintiff did send a complaint to EDNY returned for some reason in 93 or !
- 5) Although it involves EDNY jurisdic-tion the lawlibrary only carried
SDNY and litigant properly filed suit. I maintained
- 6) That officer sheild # 2326 Thomas Rice gave me permission to strip
cars unlimited if i gave them info I also maintained I never believed
Rice who is blantantly prejudiced (I also notice Rice did not only
State abandoned cars Rices partner appeared to be signaling plaintiff
not to get involved in this and that Rice filed false complaints part removal
in this

7) Plaintiff was laughing to himself under the impression that plaintiff must look like a "ass" to officer because plaintiff immediately realized NYPD would never

- a) admit to such dealings US v Reyes Vasquez 905 F2d 1497
although it can happen They would never do this with me (black)
US v Clymer 25 F3d
 - b) Rice wasnt paying me
 - c) Rice was aware as I was as a newcomer to junkyard NYPD was being paid off (not only did plaintiff witness but experienced beatings for taking parts off abandoned cars (stolen) stripped, good parts left but intended for shops not me per se or anyone else)
 - d) the ' incredible amout of stripped' cars in junkyard and Corona Queens (Willets Pt)
- 8) Plaintiff walked away from Rice

- e) Rice would follow Gibson around when Gibson would be walking around at night or every Gibson went Gibson didnt realize what was happening but Gibson was freelancing in other peoples turf taken parts from abandoned vehicles where established individuals and groups existed

Secondly Gibson had been unknowingly by spanish Italian liason (african) to become fallguy since " i touched it let me take the weight for it" & Federal Courts & State Courts were down with it

UNDER 28USC 1915 I COULD NEVER
SAY "JACK" about(nypd) NYPD
AND WHEN I TRIED TO I WAS THROWN IN
Pysch wards WITHOUT PRODUCTION OF CAR PART OR PHOTO

- f) Gibson states utilmately NYPD Queens DA set up operations informant usage to drive "perps" to abandoned cars and filed false part removal form complaint . A "perp" would have tool bag on him to wit tools were thrown on ground photographed a false complaint filed and tow companies appeared picking up car. within 15 seconds of arrest or NYPD appearnce

Gibson filed in SDNY Gibson v Rice 94 CV 6431 and other complaints and against NYPD to wit Rice was present but gave arrest to other .
Rice was in 115 precinct Corona Auto Crime Unit instructed by Queens Auto.
Gibson was also arrested by "Rambo" and Gee" also in Daily News for placing cars (reverse sting opds" in junkyard for stripping without authorization

Gibson experienced extreme harrassment trying to write complaint's in jail by state informants corrections etc and corrections kept calling Doctors on Gibson while Gibson was writing (CO Hart) Gibson knew a bit about Harts activities in jail extra favors for inmates and Hart was going to make sure Gibson could not say anything along with court Hart in C-73 lawlibrary told state informants to tell junkyard I was snicthing to wit I wasnt I was telling thru 42 USCA 1983 NYPD was falsely arresting (that is not snicthing)

In 1994 Gibson did send a complaint to EDNY to wit they refused to accept.

In 1997 upon beleif a complaint was filed in EDNY about (Queens Auto Crime) and how they operate . Their was no issuance upon belief, and although status sheet says it was, it appears no correspondence motions, sent to litigant.

IN May 2018 Rice resigned Gibson finally had the evidence he needed Rice filed false , complaints ,false investigative memorandumns ,manufactur evidence,manufactured witness, doctored photographs forced to resign corruption . Rice is in the body of complaint 97 CV 3561 Rice arrested Gibson about 4 times and was present at other arrests.

Gibson believes EDNY actively stopped Gibson from saying anything about Auto crimethru 28 USCA 1915 and other methods Gibson mail has been seized, NYPD has robbed Gibson ,followed him continiously ,beaten, fed clerkshave have stated Writsuntimely when they never were and denied access to affidavit of service to wit would show they were . In all the Daily News article helped Gibson. Gibson lawsuit to Nursing Home and Mt Sinai and East Elm. Hospital and %points Correctional was seized because Fed Courts allowed NYPD ,Corrections, City, Court system to do whatever they wanted even when I sought to pay for suits in SDNY I was not allowed,because of 28 USCA 1915 Gibson has truly suffered due to 28 USCA 1915 and false arrest accumulation. Gibson under Daily News article wishes to be able to file suit. Gibson also states Daily news has also captured info about pilots taking planes and flying over peoples homes and person doing figure eights over them dive bombing circling over them gibbon complained he was under

operation UNITRO (Unwanted Nigger In Town Re-Con Op)

Gibson believes the News paper article would create a "reasonable probability" that could persuade court personnell or jurors to "plaintiff cause" or provide a reason to "hold up to" or use a material evidence against forced plea to a higher appellate court.

PLAINTIFF CONTEND BASED ON NEWLY DISCOVERED EVIDENCE
UNAVAILABLE TO LITIGANT AT TIME OF CAUSE WHEN
UNDER 5th, & 14th FEDERAL CONSTITUTIONAL JURISPRUDENCE &
STATE CONSTRUCT said evidence is MATERIAL AS A MATTER
TO THE ISSUE AT BAR & SHOULD SHOW FEDERAL COURT "barring"
WAS ERRONEOUS AS A MATTER OF LAW WHERE RICE WAS PRESENT
AT ARREST, WROTE COMPLAINT OR GAVE ARREST TO ANOTHER
OFFICER, OR INFLUENCED OFFICER TO ARREST

Bagley 105 Sct 3375 Biglio 405 us 150 Brummell 976 F2d 1234

US v Slough 144 FSupp3d 4 Symond v Griffin 2018 US District Lexis 105079

CONE V Bell 556 (556) US 449 Klyes v Whiteley 514 US 419 US v Williams

547 F3d 1187

"The difference between the "reasonable probability test" and the New York reasonable possibility" is under the former the the undisclosed evidence recieves no more weight than it wuld have been accorded had it been introduced at trial, and thus a reviewing court must determine how that evidence would have effected jury deliberations"

As characterized by the Court of Appeals the "reasonable probability test" is outcome orientated standard of review that gives dispositive weight to the strenght of the peoples case remitting the impact of the exculpatory evidence to appellate hindsight"

"the reasonable possibility test on the other hand focuses upon the evidence withheld and the question whether failure to disclose possibly contributed to verdict"

McKinneys Criminsal Procedure Law art.440.

10 Pratices Commentaries Peter Preiser

Gibson argues he was actually innocence and his presence at the crime scene was by government design pre-arranged to wit litigant felt and sensed such and refused to do anything.

In People v Gibson 4101-93 upon beleif the Ind. # Rice wrote a complete hearsay complaint to wit Gibson maintained was a blantant lie & somehow individuals in court appeared to produce absolutely no evidence to support charge.

Gibson was put under "extreme pressure" to cop out 44 days straight
bull pen therapy, no pictures provided of cars etc. party moving to
In US v McCullough 2011 US Dist. Lexis 56719 the
re-open hearing of demonstrating new info was not known at time
of crime "has material bearing on the issue"

Respectfully,, Gibson beleives the information contained as to
Rice's demise is essentially what plaintiff alleged as to
manuafacturing phony witnesses, false investigative files ,framing
individuals,filing false affidavits. etc.

IMMEDIATE HARM & DANGER

Tripati v Hale 2013 US Dist lexis 113101
Hafed v. Fed Bureau of Prisons 635 F3d 1172

- 1) Gibson states ;please note ; police feel you walk around and steal "shit" Gibson contends and maintains things he deals with a primarily abandoned and Queens County is blatantly manufacturing evidence on litigant but" issue of amputations of toes where Gibson is not diabetic and had no bad experience with cold
- 2) Re-leased 5Points Correctional in Jan 2018 .
- 3) requested to be released with boots" to wit denied even though blizzard conditions at prison area and in NYC
- 4) arrived NYC Missed sheletr time and went to Junkyard before
releasal from prison took a techna shot to boost immune system .(but felt weak ,SHOT WAS DONE AT DownState Corr.)
- 5) Gibson after 1day & $\frac{1}{2}$ of releasal was told his fingers were turning blue to wit Gibson did not feel cold . 2 to 3 days later Gibson had a problem walking it appears After walking $\frac{1}{2}$ hr I had to sit at least 3 hrs. gibson was wooried dueto fact he is active at(60)jogs pushups pull up bar runs and basically Gibsons hussle is physically draining, scrap metal
- 6) After 1 week called (or 5to 6 days) EMS ,taken to East Elmhurst to wit for some reason I was admitted without being interviewed by doctors , three to five days later I developed a purplish-black calloused skin on toes fingers
- 7) I was asked if " If I was anyware government stored chemicals to wit there was chemical barrells where I burned copper wire. I was then adsked If I am diabetic to wit I am not . I was then told there is bacteria in my blood then told there isnt I was told by Asians Doctors " your toes are dead I was then told by Indian you just need anti-biotics.
- 8) I was then told I have gangrean , then told I have open wounds to wit I had no open wounds at time of incident or evaluation I was then told privately by a dfactor why are they wrapping your feet so tight if circulation is a

a. 'problem I was then told I couldnt. shower any more.

Sent to nursing home Lawrence who also said toes are dead.

- 9) Second opinion St Johns who told me they know where I get my copper from (they started acting like NYPD with me and said toes are dead)
 - 10) Then told Mt Sinai wanted to do stem cell reasearch. Sent to Mt sinai who immediately wanted to amputate and said "All these things keep happening to the : " Black man"
 - 11) After this comment (Gibson knew the Police were wacthing him thru these people)
 - 12) Given radioactive dye and MRI ,X -ray to wit told circulation in legs excellent but toes are dead
- AMPUTATION *Police did like Gibson walking around and Federal Government*
- 13) after amputation Mt Sinai went "ballistic" on my person Doctors studewnts would walk right in and rip off dressings , gauze pads I also noticed it appeared the heel of both feet had slightly been cut into and I had a bluishⁿ scar tissue on heel to wit doctors started cutting into to "promote healing and to "explore"
 - 14) Gibson felt their was no reason for this It did not smell and it was healing , with constant cutting this turned in to a 2inch circular wound.
 - 15)Gibson also deve-loped chicken pox after being moved into a room with skin cells all over it and dirty linen after being told I had multiple resistant bacteria and then being told I didnt and this was a .precaution
 - 16) Gibson was moved back to nursing home to wit when I tried to walk the Social Worker Ms Weiner started with me thsat wounds are not healed to wit is true but wound doctor was not against it
a) I am not diabetic , and if I felt pain I sat down they tried again the social worker is not a doctor
 - 17) I asked could I apply for Welfare she said you are going to shelter and they do it She ignored fact my wounds are still open & "Ozzing" blood & other fluids
 - 18) I then was stopped from seeing a female on Ward Ms Constance and moved ⁱⁿ into a room with asexual predator who I woke up "the guy has my foot in his hand and is "jerking off"
 - 19)Gibson says although he has Indian blood in family "I am "Black : and the Jamican nurses are prejudiced against Americqn Blacks and started teling me about my life and crime. Gibson does not know what happened but know this . It appear s 28 USCA 1915 has done something to my person to wit I beleive it was not designed
 - 20) Gibson cannot file a suit unless some Judge in courtroom who hasnt witnessed, researched, seen discovery or evidence or the seen the deniakl of such tell; me whether I CAN SUE FOR BEATINGS ,ROBBERY, unlawfursurveillance, police misconduct etc false arrest seizure of mail etc involuntary committment.

PLAINTIFF CONTENDS THAT OFFICER THOMAS RICE#2326
WAS THE ACTUAL BASIS FOR ALOT OF FEDERAL COURT
DETERMINATION OF FRIVOLOUS COMPLAINTS ALTHOUGH
"PLAINTIFF " SHOULD NOT HAVE TO SASTIFY 28 USC1915
and that SAID DETERMINATION BY JUDGE BASED ON
COMPLAINT THAT IT WAS FRIVOLOUS WAS ERRONEOUS NOT
ONLY IS RICE CORRUPT QUEENS COUNTY COURT SYSTEM
INDICTED PLAINTIFF WITHOUT SAID EVIDENCE ALLEGED

P L A I N T I F F S H O U L D / N O T B E " B A R R E D

"Their is only one exception to the prepayment requirement in 1915(g)
Kinnell 265 F3d 1127 and it applies to a prisoner who is under imminent
danger and serious physical injury. To meet the exception appellant is
required to make specific credible allegations of imminent danger
of serious physical harm Kineell 265 F3d at 1127 Every circui ti have
decided the issue so far hjas concluded that the statute use opresent
tense shows prisoner must be in imminent danger at filing time Andrews
v.Cervantes 493 F3d 1047 493 F3d 1047 Ciarpagni v Sinai 352 F3d 328"

"An appellant should make his allegations of imminent danger in his
motion to proceed pro se.,forma pauperis."

Hafed v. Federal Bureau, of Prisons
635 F3d 1172

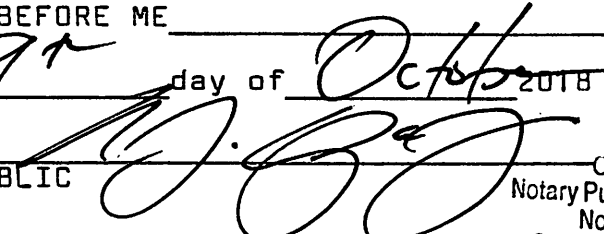
" imminent dangers are those dangers which are about to occur at any
time (moment or are impending "By using the imminent Congress indicated tha
that it wanted to include a safety valve for the three strikes rule
to prevent impending harms not thode already ocured The imminent
harm allows the district court to permit an ophtherwise barred prisoner
to file complaint IFP . Abdul Akbar Tripati v. Hale
Tripati 2013 US dist. lexis 114192 Abdul Akbar v. McKelvie 239 F3d 307

Whereby plaintiff requests a hearing on this evidentiary where plaintiff
does have proof of Rices corruption and it is probably known to Federal
government alerady 94 cv6431 is better explained to wit SDNY wil have to amend
97 cv 3561. OR GOVERNMENT WILL ALLOW THE COMPLAINT ATTACHED.

SWORN TO BEFORE ME

19th day of October 2018

NOTARY PUBLIC


CKONJAKI
Notary Public, State of New York
No.01AK6161518
Qualified in Queens County
Commission Expires February 26, 2019


BENNIE GIBSON

UNITED STATES DISTRICT COURTHOUSE
EASTERN DISTRICT/CIVIL TERM

Gibson Bennie

plaintiff

A F F I D A V I T O F
S E R V I C E

permission To file
28 USC1915

v.

the City

STATE OF NEW YORK)

COUNTY OF BRONX) ss.s

I _____ declare under 28 USC1746 & 18usc 1621
penalty of perjury and notary law that I placed a "Permission to file
motion in the internal mailbox located at 1500 Hazen St. East Elmhurst NY
11370 on Oct _____ 2018

mailed TO:
Pro Se

United States District Courthouse
Eastern District Courthouse
225 Cadman Plaza
Brooklyn NY 11201

Respectfully,


Bennie Gibson

SWORN TO BEFORE ME that

19th day of October 2018

notary public

NOTARY PUBLIC

Notary Public, State of New York

No. 01AK6161518

Qualified in Queens County

Commission Expires February 26, 2019